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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,755	05/27/1998	FRAMPTON ERROLL ELLIS, III	GNC12US	7351

909 7590 04/19/2004

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EXAMINER	
DINH, DUNG C	

ART UNIT	PAPER NUMBER
2153	36

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/085,755	ELLIS, III, FRAMPTON ERROLL	
	Examiner	Art Unit	
	Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-73* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *32,33,34*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/22/2004 have been fully considered but they are not persuasive.

Applicant argues that the references used do not teach a system in which at least one of the personal computer includes a wireless network connection. The argument is not persuasive because Hortensius specifically disclose a system with computer having wireless network connection (fig.1 - nodes 18's has wireless connection to the network; see col.3 lines 14-17).

Applicant argues that Besemer does not teach a firewall configured to deny access to a memory hardware component. The argument is not persuasive because Besemer specifically teaches controlling access to memory hardware component (see col.1 lines 50-54) by another processor. Therefore, Besemer means for controlling the access to the memory meets the firewall limitation as claimed.

Regarding the limitation "wherein the microchip provides active configuration of one or more circuits of the microchip," the examiner hereby acknowledges that this limitation had been canceled from claim 9 in preliminary amendment May 29, 2003 (paper #28). The claims are now rejected without this limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 9-36, 42-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi et al. US patent 5,889,989 further in view of Hodroff US patent 5,592,376, Hortensius et al. US patent 5,917,629.

As per claim 9, Robertazzi discloses a system comprising:

a server (fig.1A controller 103);

at least two network of computers (fig.1A 105,107,109) connected to the server computer through a network (114);

a first mechanism for the server to function as a master in a shared processing operation, including parallel processing, involving at least two personal computers, connected to the server through the network (114), functioning as slaves to said master (col.1 lines 10-15);

a second mechanism for the server to subdivide the operation into a plurality of parts, and to send one of the parts to each of the slaves for processing by the slaves (col.2 lines 66 - col.3 line 5); and

a compensation determing mechanism to determine compensation for processing service provided by the personal computers in the shared processing operation (col.3 lines 22-42).

Robertazzi does not teach determining a net charge based not a difference between the monitored amount of processing power provided and the monitored amount of network resource used by the personal computer.

It is known in the art to barter / exchange excess capacity for other goods and services. Hodroff discloses one such system [col.5 lines 16-24, col.2 lines 61-64]. The type of good or service being exchange for the excess capacity clearly would have been a matter of agreement among the participating parties. Since, the user normally must pay for network service. It would have been clearly obvious to barter the excess processing power (i.e. idle computer processing power) in exchange for discount on network access because it would have reduced the cost of the user's network access usage.

It is basic business practice that a net charge is based on the difference of the amount of credit earned and the amount of

credit spent. It is inherent that the system would have a monitoring mechanism to measure the amount of processing power provided from the user and the amount of network access used by the user in order to maintain and calculate the net cost/credit to the user of the personal computer.

Robertazzi does not teach the computers include wireless network connection. The type of network used would clearly have been a matter of design choice. Hortensius teaches an improved wireless network system that can maintain compatible with a wired network. It would have been obvious for one of ordinary skill in the art to use the wireless network of Hortensius to connect the computers of Robertazzi because it would have provided low cost mobile computers, high-speed communication, and compatibility with wired networks computers [Hortensius col.6 lines 19-36].

As per the various limitations claimed in 7 to 36: Internet, single chip computer, transmission speed, etc., these limitations are clearly obvious variation within scope of the prior art teaching and would have been obvious to one of ordinary skill in the art. The financial and cost calculations, measurement would have clearly been obvious to one of ordinary skill in the art in a business process of bartering/exchange of computer processing power.

As per claims 42-67, they are rejected under similar rationales as for claims 9-36, 73 above.

Claims 37-41, 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi, Hodroff, Hortensius, and further in view of Besemer US patent 4,245,306.

As per claims 37-41 and 68-72, Robertazzi does not teach a firewall in the computer to control assess by other computers to hardware resources in the computer. In similar field of invention, Besemer teaches a system for sharing resources among computers connected via a network. Besemer teaches means for regulating other computer access to hardware in another computer [col.1 lines 45-59]. Hence, it would have been obvious for one of ordinary skill in the art to combine the Besemer teaching with Robertazzi because it would have provided orderly and efficient use of available resources among the computers [col.1 line 55-59]. The specific type of resource being shared or protected would have been a matter of design choice and would have been readily apparent to one of ordinary skill in the art in implementing Robertazzi system as modified.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist).

Dung Dinh
Primary Examiner
April 15, 2004